

**BEFORE THE ARIZONA BOARD OF
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

IN THE MATTER OF:)	Case No. 234 4 3
)	
VIRGINIA RUTZ, D.O.)	FINDINGS OF FACT, CONCLUSIONS
Holder of License No. 3090 for the)	OF LAW AND SUMMARY SUSPENSION
practice of osteopathic medicine in the)	OF LICENSE
State of Arizona.)	
_____)	

The Board held a public telephone conference call meeting on October 24, 1997 regarding Virginia Rutz, D.O. (hereafter "Respondent"). Following the Board's review of information and evidence obtained pursuant to A.R.S. § 32-1855 and § 32-1855.01, and having considered the evidence and information in the matter and being fully advised, the Board enters the following Findings of Fact, Conclusions of Law and Order of Summary Suspension, pending proceedings for revocation or other action.

FINDINGS OF FACT

1. The Arizona Board of Osteopathic Examiners in Medicine and Surgery (hereafter "Board") is empowered, pursuant to A.R.S. § 32-1800, et seq. to regulate the licensing and practice of osteopathic medicine in the State of Arizona.

2. Respondent is a licensee of the Board and the holder of License No. 3090 for the practice of osteopathic medicine in the State of Arizona.

3. The following Information was brought to the attention of the Board that Respondent may be medically and/or psychologically unable to safely and skillfully engage in the practice of medicine and may have committed one or more acts of unprofessional conduct as defined in A.R.S. § 32-1854:

a. On or about October 23, 1997, a complaint was filed by Madeline Wollmer, RN on behalf of Tenant Physician Services alleging that Richard Brown, D.O. had entered into the Oracle Family Health Care Center after normal work hours on October 14, 1997 and removed 15 Vicodin ES using Respondent name as the ordering physician and signed out to Dr. Brown's wife. Upon questioning, Respondent denies prescribing the Vicodin for Mrs. Brown and was unaware of Dr. Brown's removal of the narcotic. Upon questioning by Tenet Physician Services, Dr. Brown admitted to taking the controlled substance on October 14, 1997 without authorization from Respondent.

b. On October 20, 1997 Tenet Physician Services reviewed information regarding who was prescribed Vicodin ES. From the information provided, Dr. Brown had on numerous occasions prescribed Vicodin ES for his father, brother), his wife as well as Respondent. It was also noted that Respondent had continued to prescribe Vicodin ES for Dr. Brown without appropriate notes as to the reason in Respondent's medical charts.

c. During the investigation by Board staff, Respondent stated that she believed Dr. Brown had a substance abuse problem related to the continual use of Vicodin, but continued to sign off on his removal of the Vicodin because of "right wrist pain". Respondent also admitted to self-prescribing Vicodin ES, acting as both patient and physician, admits to taking 1-2 Vicodin ES tablets per work day, and allowing a Nurse Practitioner to use her prescription pad and Drug Enforcement Agency ("DEA") number prior to the Nurse Practitioner's prescribing authorization.

4. In public session, the Board voted on October 24, 1997 that Respondent is an immediate threat to the health and welfare of the public.

CONCLUSIONS OF LAW

1. Pursuant to Arizona Revised Statutes § 32-1800, et seq., the Arizona Board of Osteopathic Examiners in Medicine and Surgery has subject matter and personal jurisdiction in this matter.

2. The Board has the authority to summarily suspend an osteopathic license pursuant to A.R.S. § 32-1855(C) and § 41-1064 when the physician may not safely engage in the practice of medicine and is an immediate threat to the public's health, welfare and safety.

ORDER

NOW, THEREFORE, IT IS ORDERED AS FOLLOWS:

1. Pursuant to A.R.S. §32-1855(C) and § 41-1064, summarily suspending License No. 3090 held by VIRGINIA RUTZ, D.O. for the practice of osteopathic medicine in the State of Arizona effective October 24, 1997, pending further disciplinary proceedings or until further Order of the Board.

2. Pursuant to A.R.S. § 32-1855(C), that VIRGINIA RUTZ, D.O. shall submit himself for such mental, physical or oral or written medical competency examinations or any combination thereof as will be designated by the Board. Such examinations shall be conducted by persons specified by the Board.

3. Pursuant to A.R.S. § 32-1855(C), this matter shall be heard by a Hearing Officer or the full Board within sixty (60) days.

ENTERED this 24th day of October, 1997.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: Ann Marie Berger
Ann Marie Berger, Executive Director